

HANDLE VIA TALENT-KEYHOLE CHANNELS

ATTACHMENT B

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Legal Considerations Affecting the Program

(a) The use of photographic satellites is not an aggressive or illegal act. Space observation from unarmed satellites cannot be construed as a threat or the use of force (prohibited by the UN charter). Observation of an area subject to the jurisdiction of a state from points outside that jurisdiction (e.g., from a ship on the high seas) is sanctioned by existing international law. Space is not subject to territorial claims. Thus observation from space, as from the high seas, cannot be considered a violation of international law. The US is, of course, registering all of these satellite launchings with the UN, pursuant to GA Resolution 1721.

Importance of Program

(a) From a purely military point of view, the West is able for the first time to measure accurately the threat posed by our enemies and to assess the military activities and political initiatives of the Bloc with greater confidence. Thus, there has been added a measure of stability not heretofore present as a factor in relations between East and West.

(b) We have the potential at hand eventually to deprive those who insist on maintaining secret and conspiratorial societies of the advantages they enjoy over democracies in the use of terror, threat and blackmail as instruments of international diplomacy.

(c) The future application of photographic satellites to disarmament problems remains to be seen. Our position on disarmament and our present proposals were formulated taking these satellites fully into account. At the least we would hope that the development and use of these instruments will eventually moderate the Soviets' obsession for secrecy that has made it impossible for them to engage seriously in discussions of realistic measures for disarmament or arms control.

Soviet Interference and Western Countermeasures

(a) The US is not in a position to give up these satellites or accept restrictions on their use in the absence of a comprehensive disarmament agreement. We expect that the Bloc will apply

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heavy political pressure to put a stop to this program. At the Geneva UN Outer Space meetings this summer, for example, the Soviet's tabled a draft declaration of principles which, among other things, called for a ban on reconnaissance satellites. We are confident that with the help of our allies we can successfully counter these efforts. We would expect full cooperation in this area from NATO and other allies.

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8/9/62					
TO				ROUTING	DATE SENT
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THE FOLLOWING MESSAGE WAS RECEIVED Department of State message No. 82 dated 18 July 1962. Cy # 5 w/ 2 Attachs. Attach. - A RFI-T-125-62/a Attach. - B - RFI-T-125-62/B Cy # 1 of 1 cy (TCS#)					
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